



10-30-02 37368  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Ilan BEN-OREN et al.

Serial No.: 09/508,805

Filed: March 16, 2000

For: ISOTOPIC GAS ANALYZER

) Art Unit: 3736  
)  
) Examiner: R. Nasser  
)  
) Washington, D.C.  
)  
) October 20, 2002  
)  
) Docket No.: 22350/12

37368  
L. Parks  
11-19-02  
#14/IDS

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☐ B. before the mailing date of a first office action on the merits.

[X] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(check one of the boxes "i" and "ii" below:)

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

"Express Mail" mailing label no. E.V.034639234.U.S.  
Date of Deposit: OCT 28 2002  
I hereby certify that this paper or fee is being deposited  
with the United States Postal Service "Express Mail Post  
to Addressee" service under 37 CFR 1.10 on the date  
above and is addressed to the Commission of  
Patents and Trademarks, Washington, D.C. 20231  
NARAI BAKH  
person mailing paper or fee)

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☒ ii. A check for the fee set forth in 1.17(p), presently believed to be \$230, is enclosed (check no. \_\_\_\_\_).

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. A check for the fee set forth in §1.17(i), presently believed to be \$130 is enclosed (check no. \_\_\_\_\_). Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

☐ 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

☐ A. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

[insert serial numbers and filing dates of prior applications]

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☒ 3. Documents: German Patent Nos.: DE 44 02 054 A, DE 297 06 668 U, European Patent No.: EP 0 584 897 A1, and translation of sections of possible relevance from: M. Haisch, "Quantitative Isotope-Selective Infra-red Spectroscopy for Determining the Isotopic Ratio Carbon Dioxide in Breath", Heinrich-Heine University, Dusseldorf, 1995, XP002041167. are not in the English language. In accordance with 1.98(c), Applicant states:

☒ An English translation of each document German Patent Nos.: DE 44 02 054 A, DE 297 06 668 U, European Patent No.: EP 0 584 897 A1, and translation of sections of possible relevance from: M. Haisch, "Quantitative Isotope-Selective Infra-red Spectroscopy for Determining the Isotopic Ratio Carbon Dioxide in Breath", Heinrich-Heine University, Dusseldorf, 1995, XP002041167. (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

[Insert concise explanation of relevance]

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

☐ A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

**CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS**

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

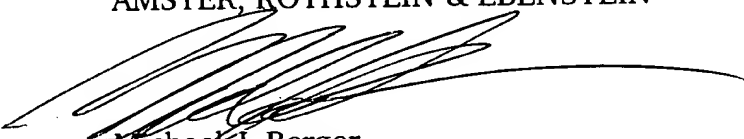
Please also acknowledge receipt of the enclosed documents by stamping the enclosed postcard and returning same to us.

Please charge any outstanding amount or credit of any overpayment to Deposit Account No. 01-1785.

A duplicate copy of this letter is enclosed.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN



Michael J. Berger

MJB/KJK/di  
Enclosures